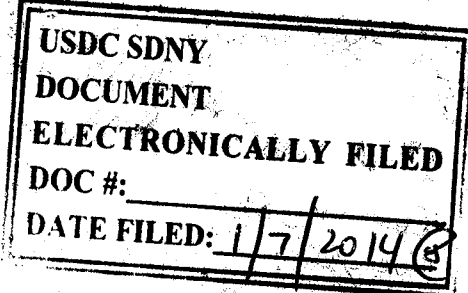


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RAFIQ A. SABIR



05 Cr. 673-2 (LAP)

12 Civ. 8937 (LAP)

MOTION FOR DEFAULT JUDGMENT

COMES NOW DEFENDANT, RAFIQ SABIR, and moves this Honorable Court for entry of a DEFAULT JUDGEMENT pursuant to Federal Rules of Civil Procedure Rules 55(a) and 55(d) on the Rule 33 MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE, filed by DEFENDANT 22 October 2013.

The facts are enumerated below as follows:

- 1) A Rule 33 MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE was filed according to the prison mail box rule 22 October 2013. (See attached photocopy of FCI Ashland Legal Mail Log Book)
- 2) The said motion was received by the Court 28 October 2013. (See attached photocopy of printout of USPS webpage documenting delivery.)
- 3) A copy of said MOTION was mailed by FIRST CLASS MAIL to the Government contemporaneously with the MOTION sent to the Court. (See attached copy of AFFIRMATION OF SERVICE.)
- 4) Under the law the Government has SIXTY (60) days from the date of filing to respond.
- 5) Sixty (60) days have elapsed from the mailing date on 20 December 2013, and from the date the MOTION was received by the Court on 26 December 2013.

- 6) The Government has not responded, nor has it requested an extension.
- 7) The issues presented in the Rule 33 MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE are valid and substantial.
- 8) As these valid meritorious issues are uncontested by the Government, they should be construed by the Court as admitted by the Government; and therefore the PETITIONER (DEFENDANT) is entitled to DEFAULT JUDGMENT in his favor.
- 9) The PETITIONER is entitled to timely relief as provided by the statute under the Rules cited above.

WHEREFORE, PETITIONER PRAYS:

- A) That judgment in the Rule 33 MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE previously filed in this Court be entered in the PETITIONER'S favor;
- B) That DEFAULT JUDGMENT be entered against the Government for failure to respond;
- C) That PETITIONER'S conviction and Sentences be reversed, vacated, and set aside and that PETITIONER be granted a new trial.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RAFIQ A. SABIR

05 Cr. 673-2 (LAP)


12 Civ. 8937 (LAP)

SWORN DECLARATION

1. I am Dr. Rafiq A. Sabir, DEFENDANT in UNITED STATES v. RAFIQ A. SABIR in the above captioned criminal case, and PETITIONER in the present MOTION FOR DEFAULT JUDGMENT on the previously filed MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE.
2. I am writing this SWORN DECLARATION in support of my pro se MOTION FOR DEFAULT JUDGMENT.
3. The statements in this SWORN DECLARATION are based on my personal knowledge and experiences, except where otherwise noted.
4. On 22 October 2013 I filed a MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE with this Court according to the MAILBOX RULE.
5. Contemporaneously, I sent a copy to the Government by FIRST CLASS MAIL.
6. As of 30 December 2013 I have not received any response from the Government, nor have I received any notice from the Government requesting an extension, nor have I received from the Court notice granting the Government an extension in order to respond to my MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE.

7. It was my sincere belief prior to my arrest that al-Qaeda is not a real organization, and so I am completely innocent of conspiring to provide and attempting to provide material support to them.

I declare under penalty of perjury that the foregoing is true and correct. Executed on: 30 December 2013



RAFIQ A. SABIR, M.D.

ATTACHMENTS

Name and Address of Sender

FCI
INMATE

Check type of mail or service:

- ☐ Certified
☐ COD
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
☐ Recorded Delivery (international)
☐ Registered
☐ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here

(If issued as a
 certificate of mailing,
 or for additional
 copies of this bill)
 Postmark and
 Date of Receipt

Article Number

Addressee (Name, Street, City, State, & ZIP Code)

Postage

Fee

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

DC Fee

SC Fee

SH Fee

RD Fee

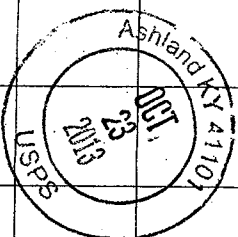
RR Fee

703 3460 0002

1492 2576

Sabir SS312-066

New York NY



Delivery Confirmation

Signature Confirmation

Special Handling

Restricted Delivery

Return Receipt

Number of Pieces by Sender

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)



Search USPS.com or Track Packages

Quick Tools

Track

Enter up to 10 Tracking # Find

Find USPS Locations

Buy Stamps

Schedule a Pickup

Calculate Postage

Find a Service

Hold Mail

Change of Address

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service ›

Have questions? We're here to help.

Tracking Number: 70123460000214822576

Product & Tracking Information

Postal Product:

Features:

Certified Mail™

Available Options

Email Updates

October 28, 2013 , 1:04 pm

Delivered

NEW YORK, NY 10007

October 28, 2013 , 11:11 am

Sorting Complete

NEW YORK, NY 10007

October 28, 2013 , 10:19 am

Arrival at Unit

NEW YORK, NY 10007

Track Another Package

What's your tracking (or receipt) number?

Track It

LEGAL

Privacy Policy ›

Terms of Use ›

FOIA ›

No FEAR Act EEO Data ›

ON USPS.COM

Government Services ›

Buy Stamps & Shop ›

Print a Label with Postage ›

Customer Service ›

Delivering Solutions to the Last Mile ›

Site Index ›

ON ABOUT.USPS.COM

About USPS Home ›

Newsroom ›

USPS Service Alerts ›

Forms & Publications ›

Careers ›

OTHER USPS SITES

Business Customer Gateway ›

Postal Inspectors ›

Inspector General ›

Postal Explorer ›



Copyright© 2013 USPS. All Rights Reserved.

Cert. Mail # 7012 5982 0002 1082 0000
Sent 22 Oct 2013

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFIQ A. SABIR

v.

UNITED STATES

05 Cr. 673-2 (LAP)

12 Civ. 8937 (LAP)

AFFIRMATION OF SERVICE

I, Rafiq A. Sabir, declare under penalty of perjury that I have served a copy of the attached Rule 33 Motion For a New Trial upon the United States Attorney, whose address is

United States Courthouse Annex
One Saint Andrews Plaza
New York, New York 10007-1701

by First Class Mail.

Dated: _____

Ashland, Kentucky

Rafiq Sabir

Federal Correctional Facility
Post Office Box 6001
Ashland, Kentucky 41105

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RAFIQ A. SABIR

05 Cr. 673-2 (LAP)

12 Civ. 8937 (LAP)


AFFIRMATION OF SERVICE

I, Rafiq A. Sabir, declare under penalty of perjury that I have served a copy of the attached MOTION FOR DEFAULT JUDGMENT pursuant to Rule 55(a) and 55(d) of the Federal Rules of Civil Procedure upon the United States Attorney, whose address is

United States Courthouse Annex
One Saint Andrews Plaza
New York, New York 10007-1701

by FIRST CLASS MAIL.

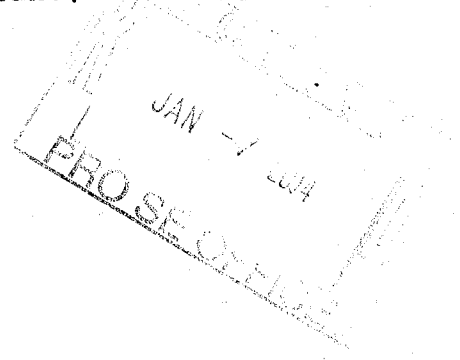
Dated: 30 December 2013
Ashland, Kentucky


RAFIQ A. SABIR

Federal Correctional
Institution

Post Office Box 6001

Ashland, Kentucky 41105



CERTIFIED MAIL™

RAFTQ SAPZR #55312-066
FEDERAL CORRECTIONAL INSTITUTION
POST OFFICE BOX 6001
ASHLAND, KENTUCKY 41105



7012 3460 0002 1482 9025

55312-066

ATTORNEY
Clerk Of Court
500 Pearl St
NEW YORK, NY 10007-1312
United States

Handwritten: 2001-6-2014

SPECIAL MAIL - LEGAL MAIL
DO NOT OPEN

